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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,093	12/12/2003	Franklin E. Boyer	UV-15 CONT2	1593
<div>75563 7590 03/06/2008</div> <div>ROPES & GRAY LLP. PATENT DOCKETING 39/361 1211 AVENUE OF THE AMERICAS NEW YORK, NY 10036-8704</div>				
			EXAMINER AUSTIN, SHELTON W	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 03/06/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/735,093

Applicant(s)

BOYER ET AL.

Examiner

Shelton Austin

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 81-180 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 81-180 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date
:08/01/2005,08/29/2006,08/03/2007.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 156-180 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 156 recites, "[a] machine-readable medium...comprising machine program logic..." (lines 1-4 of claim 1). However, Applicants' disclosure lacks any teaching, explicit or inherent, of a machine-readable medium capable of comprising machine program logic recorded thereon. Claims 157-180 are rejected for similar reasons.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 156-180 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Due to the failure to comply with the written description requirement (see above under the heading "Claim Rejections - 35 USC § 112"), claims 156-180 are rejected since the claimed "machine-readable medium" could be a signal or a wave comprising machine program logic, which is non-statutory subject matter.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 81-84, 86, 88-109, 111, 113-134, 136, 138-159, 161 and 163-180 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (US 6,002,394) in view of Venkatraman et al. (US 6,139,177).

Regarding claims 81, 106, 131 and 156, Schein et al. ("Schein") teaches a method, and corresponding system and machine-readable medium, for configuring a web server (Fig. 14; col. 18, lines 7-19—one or more servers on a computer network) to provide users of an Internet television program guide with access to web pages of television program listings and program information, the method comprising:

receiving television program listings and television program information provided by a computer system (col. 18, lines 7-27);

generating a web page of selectable television program listings with the web server (Figs. 16-20; col. 2, lines 40-44; col. 18, lines 44-67—television schedule guide accessed by the World Wide Web);

providing the user with an opportunity to access the web page of selectable television program listings over the Internet and to select a television program listing from the web page of selectable television program listings using a multimedia system (Figs. 16-20; col. 18, lines 44-67; col. 21, lines 19—user can scroll through and select items within the grid); and

providing a program information web page for the selected television program listing over the Internet in response to the user selecting the television program listing (col. 18, lines 44-67—the guide may include other information about programs that may be provided on a website).

Schein, however, fails to specifically teach receiving an e-mail address provided by the user via a registration web page generated by the web server.

In analogous art, Venkatraman et al. ("Venkatraman") teaches receiving an e-mail address provided by a user via a registration web page generated by a web server (Fig. 6; col. 3, lines 54-64; col. 4, lines 18-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schein by receiving an e-mail address provided by a user of the program information web page via a registration web page generated by a web server, as taught by Venkatraman, in order to receive messages specifying

predetermined events associated with the user device (Venkatraman: col. 3, lines 54-64; col. 4, lines 52-61).

Regarding claims 82, 107, 132 and 157, Schein and Venkatraman teach providing the user with an opportunity to select a go national option for including national television program listings in the web page of selectable television program listings (Schein: col. 19, lines 11-15; col. 23, lines 39-52).

Regarding claim 83, 108, 133 and 158, Schein and Venkatraman teach providing the user with an opportunity to select a go local option for including local television program listings in the web page of selectable television program listings (Schein: col. 18, lines 52-54; col. 19, lines 1-18).

Regarding claim 84, 109, 134 and 159, Schein and Venkatraman teach providing the user with an opportunity to select a locality for the local television listings (Schein: col. 19, lines 1-11).

Regarding claim 86, 111, 136 and 161, Schein and Venkatraman teach wherein selecting a locality for the local television listings includes selecting a local region from a map (Schein: col. 19, lines 1-18—user can select a region from which the television guide is applicable).

Regarding claim 88, 113, 138 and 163, Schein and Venkatraman teach wherein the web pages generated by the web server include selectable advertisements (Schein: Fig. 15; col. 2, lines 45-54; col. 3, lines 1-17; col. 7, line 65-col. 8, line 2; col. 20, lines 29-44; col. 22, lines 10-18).

Regarding claim 89, 114, 139 and 164, Schein and Venkatraman teach providing a web page having a selectable record option for allowing users to record a television program selected from the web page of television program listings (Schein: col. 13, lines 8-11; col. 24, lines 25-30).

Regarding claim 90, 115, 140 and 165, Schein and Venkatraman teach providing a program guide option; and providing a program guide menu web page in response to the user selecting the program guide option (Schein: Fig. 16A—program guide mode; col. 22, lines 41-58—program guide 502 appears upon a user clicking a remote control device).

Regarding claim 91, 116, 141 and 166, Schein and Venkatraman teach providing a movie guide Option; and providing a movie guide menu web page in response to the user selecting the movie guide option (Schein: col. 22, line 64-col. 23, line 18).

Regarding claim 92, 117, 142 and 167, Schein and Venkatraman teach providing a guide television channel option; and tuning to a guide television channel in response

to the user selecting the guide option (Schein: Fig. 16B—channel guide mode; col. 22, lines 41-58—program guide 502 appears upon a user clicking a remote control device).

Regarding claim 93, 118, 143 and 168, Schein and Venkatraman teach providing a direct tune option when a selected program is currently being broadcast; and tuning to the television channel for the selected program in response to the user selecting the direct tune option (Schein: col. 13, lines 8-12; col. 17, lines 23-34; col. 24, lines 25-30).

Regarding claim 94, 119, 144 and 169, Schein and Venkatraman teach providing a selectable option to arrange the television program listings by time (Schein: Fig. 16B—programs are listed in descending order by time; col. 18, lines 54-56—search and sort features; col. 24, lines 61-3—arranged chronologically).

Regarding claim 95, 120, 145 and 170, Schein and Venkatraman teach providing a selectable option to arrange the television program listings by channel (Schein: Fig. 16A—programs are listed in descending order by channel; col. 18, lines 54-56—search and sort features).

Regarding claim 96, 121, 146 and 171, Schein and Venkatraman teach providing a selectable option to arrange the television program listings by category (Schein: col. 18, lines 54-56—search and sort features; col. 24, lines 61-3—arranged by subject matter).

Regarding claim 97, 122, 147 and 172, Schein and Venkatraman teach providing the user with an opportunity to search for television program listings using a user-defined criteria (Schein: col. 11, lines 12-46; col. 14, line 53-col. 15, line 5; col. 19, lines 19-40).

Regarding claim 98, 123, 148 and 173, Schein and Venkatraman teach providing the user with an opportunity to search for television program listings by title (Schein: col. 19, lines 19-40—search engine allows a user to search by title).

Regarding claim 99, 124, 149 and 174, Schein and Venkatraman teach providing the user with an opportunity to search for television program listings by actor (Schein: col. 19, lines 19-40—search engine allows a user to search by actor/actresses).

Regarding claim 100, 125, 150 and 175, Schein and Venkatraman teach providing the user with an opportunity to search for television program listings by category (Schein: col. 19, lines 19-40—search engine allows a user to search by category).

Regarding claim 101, 126, 151 and 176, Schein and Venkatraman teach providing the user with an opportunity to search for television program listings by

description (Schein: col. 19, lines 19-40—search engine allows a user to search by description).

Regarding claim 102, 127, 152 and 177, Schein and Venkatraman teach providing the user with an opportunity to search for television program listings by rating (Schein: col. 18, lines 58-61; col. 19, lines 19-40—search engine allows a user to search by star rating).

Regarding claim 103, 128, 153 and 178, Schein and Venkatraman teach providing a selectable option for accessing a multimedia clip (col. 19, lines 41-51—video together with descriptive information).

Regarding claim 104, 129, 154 and 179, Schein and Venkatraman teach providing a hot picks web page having selectable hot picks images for promotional media clips that are available (col. 19, lines 41-51).

Regarding claim 105, 130, 155 and 180, Schein and Venkatraman teach providing the user with an opportunity to customize the web pages provided by the web server (col. 15, lines 58-61; col. 16, lines 5-14; col. 19, lines 32-35).

7. Claims 85, 110, 135 and 160 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (previously cited) in view of Venkatraman (previously cited),

as applied to claims 84, 109, 134 and 159 above, and further in view of Levine (US 5,988,078).

Regarding claim 85, 110, 135 and 160, Schein and Venkatraman teach that a user can select a region from which the television guide is applicable by selecting an appropriate state, city or other region (Schein: col. 19, lines 1-18), however, fail to specifically teach wherein selecting a locality for the local television listings includes accepting a zip code from which the locality is determined.

In analogous art, Levine teaches a system for a customized television programming schedule from Internet service providers. The system is designed to receive a schedule of programming from an Internet service provider (ISP). The ISP customizes information according to an entered Zip code (col. 3, lines 45-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the web page with television program listings of Schein and Venkatraman with the ability to customize the programming information using zip codes, as taught by Levine, in order to provide more accurate TV listing when the system being utilized over the wide area, which would allow uses to filter just local channels available in the area rather than having to go through the whole list (Levine: col. 3, lines 45-54).

8. Claims 87, 112, 137 and 162 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (previously cited) in view of Venkatraman (previously cited),

as applied to claims 84, 109, 134 and 159 above, and further in view of Shane (US 5,793,972).

Regarding claim 87, 112, 137 and 162, Schein and Venkatraman teach entering locality information in order to receive a local list of programs, however, fail to explicitly teach providing a pick again web page.

In analogous art, Shane teaches displaying a web page to a user when the information entered could not be found stating the user should try again (col. 7, lines 19-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the web page with television program listings of Schein and Venkatraman with the ability to provide a pick again web page when the information can not be found, as taught by Shane, in order to provide the user with more opportunities enter the information (Shane: col. 7, lines 19-30).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelton Austin whose telephone number is (571) 272-9385. The examiner can normally be reached on Monday through Thursday from 8:00-5:30. The examiner can also be reached on Fridays from 9:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant, whose telephone number is (571) 272-7294, can be reached on Monday through Friday from 7:30-5:00. The supervisor can also be reached on

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alternate Fridays from 9:00-4:00. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shelton Austin



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